

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

ELIZABETH GRIFFITHS and RANDY	:	CIVIL DIVISION
GRIFFITHS, wife and husband ,	:	
	:	
Plaintiffs,	:	Civil Action No.: 3:22-cv-80
	:	
v.	:	
	:	<i>Electronically Filed</i>
WALMART, INC. d/b/a WAL-MART	:	
SUPERCENTER #1935; WAL-MART	:	
STORES, INC. d/b/a WAL-MART	:	
SUPERCENTER #1935; and WAL-MART	:	
STORES EAST, INC. t/d/b/a WAL-MART	:	
STORES EAST, L.P.,	:	
	:	
Defendants.	:	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendants Walmart Inc., Wal-Mart Supercenter #1935, Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc. and Wal-Mart Stores East, L.P. (hereinafter collectively “Walmart”) asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about April 18, 2022 in the Court of Common Pleas of Cambria County, Pennsylvania, against Defendants, Walmart Inc., Wal-Mart Supercenter #1935, Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc. and Wal-Mart Stores East, L.P. (A true and correct copy of the Complaint is attached hereto as Exhibit “A”.)

2. Pursuant to the Sheriff’s Return of Service, Plaintiff served “Walmart, Inc. d/b/a Walmart Supercenter #1935, Walmart Stores East Inc. et al” with a copy of the Complaint on April 21, 2022. (See Sheriff Returns attached hereto as Exhibit “B”.)

3. The remaining Walmart entities were served via certified mail on or about April 29, 2022, although at this time no returns of service have been filed on the docket.

4. Wal-Mart Stores, Inc., now known as Walmart Inc. via a name change effective February 1, 2008, is a Delaware corporation with a principal place of business in Bentonville, Arkansas.

5. Walmart Supercenter #1935 is not a legal entity, but rather, the designation of a Walmart store located at 150 Town Centre Drive, Johnstown, PA 15904.

6. Wal-Mart Stores East, Inc. is a Delaware corporation with a principal place of business in Bentonville, Arkansas.

7. Wal-Mart Stores East, L.P. is a foreign limited partnership formed in Delaware with a principle place of business in Bentonville, Arkansas.

8. The Partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general partner) and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. Finally, the sole shareholder of Wal-Mart Stores East, LLC is Walmart Inc. (formerly Wal-Mart Stores, Inc.), a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant Wal-Mart Stores East, L.P. is a citizen of or has a principal place of business in the Commonwealth of Pennsylvania.

9. Walmart believes that at the time this action was initially commenced, and at the current time, Plaintiffs were residents of Somerset County, Pennsylvania. See Exhibit A, ¶ 1.

10. Plaintiffs' Complaint seeks an award in excess of the Cambria County arbitration limits (\$50,000.00), but no specific sum is demanded in the Complaint.

11. Among other injuries, it is understood that Plaintiff-wife claims damages for a serious injury to her left wrist, including a fracture that required surgical intervention, as well as severe pain; anxiety, depression, and emotional distress; embarrassment; loss of life's pleasures and enjoyment of life. Plaintiff-Husband has also brought a loss of consortium claim. See Exhibit A, ¶ 19, 22, and 24.

12. Based on these alleged injuries and damages, Plaintiffs' counsel has advised the undersigned counsel that this case is valued in excess of \$75,000.00.

13. This Notice of Removal is filed within thirty (30) days after Defendant, Walmart Inc was served with a copy of Plaintiffs' Complaint on April 21, 2022, which apprised these Defendants of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiffs on April 18, 2022 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

14. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by these Defendants pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendants Walmart Inc., Wal-Mart Supercenter #1935, Wal-Mart Stores, Inc., Wal-Mart Stores East, Inc. and Wal-Mart Stores East, L.P. request that this action now pending in the Court of Common Pleas of Cambria County at 2022-1269 be removed to this Honorable Court.

**JURY TRIAL IS DEMANDED.**

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 5/20/2022

BY: /s/ Rebecca Sember Izsak

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